



**CITY OF STARKVILLE COVERSHEET
RECOMMENDATION FOR BOARD ACTION**

AGENDA ITEM DEPT.: Community Dev.- Planning
AGENDA DATE: November 05, 2024
PAGE: Page 1 of 28

SUBJECT:

Second Public Hearing and consideration for amending the Unified Development Code.

SUMMARY:

The Unified Development Code was adopted on December 19, 2019, and last amended on July 2, 2024. The proposed amendments are as follows:

Proposed Revisions to the Unified Development Code- November 2024		
Amendment Number	Section Number	Description of Revision
1	3.12.4.F	Added requirement of proof of creation of Homeowners' Association (HOA) for subdivisions
2	3.14.2.B.1	Added "authorized agent" as signatory option for final plat
3	5.2.B3	Fix error in T-4 Side Setback requirements for Principal and Secondary Building
4	6.3.4	Added Multi Plex requirements of CN and C zoning districts in fig 6.3-3
5	13.7.8	Added clarification of storage of trucks and trailers on site for the use "Convenience Store and Gas Station"
6	14.13.4	Added requirement to remove guy wire and water bags from trees
7	15.1.5	Added proof of transfer of HOA to property owners
8	15.1.15	Added Common Area HOA Requirements
9	16.10.2	Revised definition of "Letter of Map Change" Added to definition of "Substantial Improvement"
10	16.10.3	Changed "jurisdiction" to "corporate limits"
11	16.10.4	Updated reference to Elevation Certificate Added to "Application Stage" Added "Construction Stage" to "Permit Procedures"
12	16.10.5	Removed manufactured home from "General Standards for All Zones" Added new development requirements for "Residential Construction" Added new development requirements for "Non-Residential Construction" Updated Manufactured home requirements Added requirement for new streets to be located above base flood elevation
13	16.10.6	Removed Historic Structures from Variance Procedure
14	17.3.1	Revised "Permit Required" section

There are a total of two public hearings with the Board of Aldermen. The Public Hearings were advertised in the Starkville Daily News on October 20, 2024, and October 29, 2024.

FOR MORE INFORMATION CONTACT:

Daniel Havelin @ 662-323-2525 ext. 3136 or d.havelin@cityofstarkville.org
Lyle McCaskey @ 662-323-2525 ext. 3130 or l.mecaskey@cityofstarkville.org

ORDINANCE NO. 2024-__

**ORDINANCE OF THE CITY OF STARKVILLE, MISSISSIPPI FOR AMENDING
THE UNIFIED DEVELOPMENT CODE**

WHEREAS, the Mayor and Board of Aldermen of the City of Starkville, Mississippi, held two public hearings as described in the proof of publication of the notices of hearings, which is appended to the Minutes in connection with the proposed amendments to the Unified Development Code; and

WHEREAS, the Mayor and Board of Aldermen find and determine that notice of said public hearings was duly and properly given and based upon the input from citizens and others, the City of Starkville finds the need to amend the Unified Development Code; and

WHEREAS, Miss. Code Ann. §21-17-5 authorizes the City to adopt and amend ordinances with respect to the care, management, and control of its municipal affairs, property, and finances; and

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Board of Aldermen of the City of Starkville, Mississippi:

SECTION 1. That Sections 3, 5, 6, 13, 14, 15, 16, and 17 of the Unified Development Code of the City of Starkville shall be amended as provided herein below.

SECTION 2. Said Ordinance having been previously reduced to writing, a motion was made by Alderman _____ and seconded by Alderman _____ to adopt the Ordinance and no request having been made by the Mayor or any member of the Board of Aldermen that said Ordinance be read by the City Clerk before a vote was taken, and reading of such having been waived, said Ordinance was adopted by the vote of the Board of Aldermen, the results being as follows:

Alderman Kim Moreland	Ward 1	Voted:
Alderman Sandra C. Sistrunk	Ward 2	Voted:
Alderman Jeffrey Rupp	Ward 3	Voted:
Alderman Mike Brooks	Ward 4	Voted:
Alderman Hamp Beatty	Ward 5	Voted:
Vice Mayor Roy A'. Perkins	Ward 6	Voted:
Alderman Henry N. Vaughn, Sr.	Ward 7	Voted:

ORDAINED AND APPROVED, this the 19th day of November 2024, at the Regular Meeting of the Mayor and Board of Aldermen of the City of Starkville, Mississippi.

City of Starkville, Mississippi

D. Lynn Spruill, Mayor

ATTEST:

Lesa Hardin, City Clerk

Proof of Publication

AFFP

Two Meetings - UDC updates

Affidavit of Publication

STATE OF MISSISSIPPI } SS
COUNTY OF OKTIBBEHA }

Ashley Doss, being duly sworn, says:

That she is Classified Clerk of the Starkville Daily News, a daily newspaper of general circulation, printed and published in Starkville, Oktibbeha County, Mississippi; that the publication, a copy of which is attached hereto, was published in the said newspaper on the following dates:

October 20, 2024, October 29, 2024

The City of Starkville Board of Aldermen will conduct two public hearings to consider updates to the Unified Development Code. The amendments include but are not limited to the correction of the side setback in the T-4 zoning district, adding dimensional standards for Multi-Plex Dwellings in C and CN zoning districts, clarification of the use of Retail Sales and Services, clarification of the use of Convenience Store and Gas Stations, updating Landscaping Development Standards, updating Common Area requirements in Subdivision Standards, updating Flood Damage Prevention Ordinance, and updating types of work that require a permit. The sections affected by this update include, but are not limited to, Sections 5, 6, 13, 14, 15, 16, and 17.

There will be a total of two public hearings held by the Board of Aldermen. The Board of Aldermen will hold the first public hearing on November 5, 2024, and the second public hearing and possible consideration on November 19, 2024. Both hearings will be held at 5:30 pm in the courtroom on the 1st floor of City Hall at 110 West Main Street in Starkville, Mississippi.

Interested parties may appear and be heard at the public hearings. The draft's digital version will be available on the City's website prior to the hearing at www.cityofstarkville.org. During normal business hours, the public may review a printed copy in the Community Development Department at City Hall. For more information, please contact Daniel Havelin, City Planner, or Lyle McCaskey, Assistant City Planner

That said newspaper was regularly issued and circulated on those dates.

SIGNED:

Ashley Doss

Classified Clerk

Subscribed to and sworn to me this 29th day of October 2024.

Kathryn Lindsey

Kathryn Lindsey, Notary Public, Oktibbeha County, Mississippi

My commission expires: July 23, 2027



00000131 00105446 662-323-4961

Lesa Hardin
City of Starkville (SDN)
110 West Main Street
Starkville, MS 39759

SECTION 1: **AMENDMENT** “3.12.4 Major Subdivision Procedure” of the City of Starkville Unified Development Code is hereby *amended* as follows:

AMENDMENT

3.12.4 Major Subdivision Procedure

3.14.4.F Final Plat Approval Procedure

1. Whenever a subdivider has been issued a notice of final plat approval from the Mayor and Board of Aldermen, the staff shall be authorized to execute a certificate of final plat approval on the plat upon certification by the City Clerk that the City has received all of the following:
 - a. A performance guarantee agreement for any outstanding improvements between the subdivider and the city to install the required improvements.
 - b. An approved form of surety as approved by the City Attorney to complete the improvements and installations for the subdivision shall be in compliance with these rules and regulations.
 - c. The City has been reimbursed for costs associated with addressing for the subdivision.
 - d. Proof of the establishment of a Homeowners' Association for the ownership and maintenance of all common areas.

SECTION 2: **AMENDMENT** “3.14.2 Final Plat Specifications And Certifications” of the City of Starkville Unified Development Code is hereby *amended* as follows:

AMENDMENT

3.14.2 Final Plat Specifications And Certifications

3.14.2.B Final Plat Certifications

3.14.2.B.1 Certificate of Ownership

If multiple owners, add a signature line for each owner CERTIFICATE OF OWNERSHIP I (We), the undersigned, owner(s), authorized agent, or lien holder of the real estate shown and described herein do hereby certify that I (we) have laid off, platted, and subdivided, and do hereby lay off, plat and subdivide the real state in accordance with the within plat.

_____(signature of Owner or Authorized Agent) Date of Execution (Printed Name of Owner/Authorized Agent/Lien Holder and Title if Applicable) (Address of Owner/Authorized Agent/Lien Holder)

_____(signature of Notary Public) Date of Execution (Printed Name of Notary Public)

SECTION 3: AMENDMENT “5.2 Base Dimensional Standards” of the City of Starkville Unified Development Code is hereby *amended* as follows:

AMENDMENT

5.2. Base Dimensional Standards

5.2.B3 Side Setback

Form-Based Districts				
B. Principal Building Setbacks	T-4	T-5D	T-5C	T-5U
B1. Principal front setback (min/max)	6/18'	0/15'*	2/15'*	2/15'*
B2 side setback adjacent to street (min/max)	6/18'	0/15'*	2/15'*	2/15'*
B3. side setback (min/max)	0' min	0/24'	0/24'	0/2'
B4. Rear setback (min)	3'	0'	3'	3'
E4. Driveway width within setback (max)	10'	24'	24'	24'

SECTION 4: AMENDMENT “6.3.4 Base Dimensional Standards” of the City of Starkville Unified Development Code is hereby *amended* as follows:

AMENDMENT

6.3.4 Base Dimensional Standards

Fig 6.3-3

Triplex and Multi-plex Dwellings			Multi-plex Dwellings Only	
A. Lot Dimensions	MDU-9	MDU-20	CN	C
A1. Lot size per unit (min)	3300 sq. ft.	2100 sq. ft.	4000 sq. ft.	2100 sq. ft.
A2. Lot width (min)	65'	100'	45'	100'
A3. Lot width at corner (min)	80'	110'	55'	110'
B. Building/Structure Setbacks	MDU-9	MDU-20	CN	C
B1. Front setback	20'	20'	20'	20'
B2. Side setback	10'	10'	5'	10'
B3. Side setback adjacent to detached residential	15'	25'	20'	25'
B4. Side setback corner lot (min.)	20'	20'	20'	20'
B5. Rear setback	25'	10'	20'	20'
B6. Rear setback adjacent to detached residential	30'	30'	30'	30'
C. Parking Setbacks	MDU-9	MDU-20	CN	C
C1. From primary street	Behind front wall of principal building	Behind front wall of principal building	Behind front wall of principal building	10'
C2. From side lot line adjacent to street	10'	10'	10'	10'
C3. From side and rear lot line	5'	5'	10'	10'
C4. From rear lot line adjacent to detached residential	10'	10'	15'	15'
D. Height	MDU-9	MDU-20	CN	C
D1. Principal building(s) (max)	28', 2 story	38', 3 story	30', 2 story	38', 3 story
E. Pedestrian Access	MDU-9	MDU-20	CN	C
E1. Street-facing primary entrance along street	yes, all units must be accessible from the street with either common entrance or individual doors	yes	yes	yes
E2. Sidewalk connection to street from each entrance	yes	yes	yes	yes

SECTION 5: AMENDMENT “13.7.8 Convenience Store And Gas Station”
of the City of Starkville Unified Development Code is hereby *amended* as follows:

AMENDMENT

13.7.8 Convenience Store And Gas Station

- A. Definition:** Any retail establishment offering for sale pre-packaged food products, household items, beverages, tobacco products, and a limited amount of freshly prepared foods. Such establishments may also include pumps for fuel sales for automobiles.
- B. Parking:**
1. One (1) space per gas pump, plus one (1) space per two hundred (200) square feet of floor area not including storage areas and stock rooms.
 2. See zoning district base dimensional standards for parking location and setback requirements.
- C. Loading:**
1. Loading docks shall not be visible from the street.
 2. Trucks delivering materials to and from the premises shall not be permitted to unload on the right-of-way.
- D. Additional Standards:**
1. The ground floor of convenience stores and gas stations shall not exceed a maximum of five thousand (5,000) square feet. Maximum square footage can only be increased by special exception.
 2. A one (1) bay car wash may be an accessory to the convenience store or gas station but is subject to the following conditions:
 - a. Waste water and byproducts shall not be allowed to drain off site.
 - b. The number of vehicles awaiting to be washed or actively being washed shall be limited to five (5) vehicles.
 - c. The number of employees for the accessory use of car wash shall be limited by the availability of on-site parking that is not part of the requirement for the principal building.
 - d. One (1) stacking space for each car wash bay shall be provided and shall be designed to prevent backups onto public streets.
 - e. A car wash cannot be located on a site adjacent to a residential use property.
 3. Pump island canopies, pump islands, compressed air connections, and similar equipment shall be set back a minimum of fifteen (15) feet from any property line.
 4. The pump island shall be situated to provide stacking space for a minimum of one (1) vehicle behind the vehicle parked at the fuel pump without impeding onsite circulation.
 5. Light fixtures mounted under canopies should be completely recessed into the canopy with flat lenses that are translucent and completely flush with the bottom surface (ceiling) of the canopy.
 6. The sides (fascia) of the canopy should extend below the lens of the fixture by a minimum of twelve (12) inches to block the direct view of the light sources and lenses from the property line.
 7. Lights should not be mounted on the top or sides (fascia) of the pump island canopy, and the sides (fascia) should not be illuminated. Allowed signage

- mounted to the canopy may be illuminated.
8. All sides of a building should express consistent architectural details and character.
 9. The use of super-graphics is prohibited.
 10. Architectural integration of the pump island and pump island canopy to the building and site walls is required. Multiple canopies or canopies that express differing architectural masses are encouraged.
 - a. All elements of the pump island or pump island canopy that are not operational should be architecturally integrated by the use of color, material, and architectural detailing.
 - b. The design of pump islands should be architecturally integrated with other structures onsite using similar colors, materials and architectural detailing.
 - c. Pump island canopy columns shall be proportioned to the height and scale of the canopy and wrapped with architectural facing of stone, brick, or other natural materials.
 11. Canopy height, as measured from the finished grade to the lowest point on the canopy fascia, should not exceed thirteen (13) feet and nine (9) inches. The clearance height of canopies should be clearly indicated on the structure or through the use of a headache bar. The overall height of canopies should not exceed seventeen (17) feet.
 12. Overnight parking of vehicles or trailers used for shipping and/or deliveries is not permitted and shall be considered a nuisance violation of this code.

SECTION 6: AMENDMENT “14.13.4 Maintenance” of the City of Starkville Unified Development Code is hereby *amended* as follows:

AMENDMENT

14.13.4 Maintenance

1. Trees, shrubs, and other landscaping materials approved as part of the site development plan, shall be considered binding elements of the project in the same manner as parking, building, materials, and other details. The applicant, owner, subsequent owners and their agents shall be responsible for the continued maintenance of all landscaping materials.
2. All staking and guy wires shall be removed from any required tree within one (1) year of planting.
3. Any watering bag attached to the trunk of a tree shall be monitored and adjusted so as not to damage the trunk of the tree. Attached watering bags should be within three (3) years of planting.

SECTION 7: AMENDMENT “15.1.5 Acceptance” of the City of Starkville Unified Development Code is hereby *amended* as follows:

AMENDMENT

15.1.5 Acceptance

- A. No subdivision streets shall be eligible for acceptance by the City until a minimum of eighty-five percent (85%) of construction has been completed based on the number of total lots or a period of seven (7) years, whichever occurs first.
- B. Subdivisions to be constructed in phases shall not be eligible for street acceptance by the City until eighty-five percent (85%) of the construction has been completed based on the number of total lots of all phases if the construction route requires access to any of the previously platted phases or a period of seven (7) years, whichever occurs first.
- C. Any development-related improvements shall not be officially accepted until the improvements have been inspected and approved by the City, corrections are made in the field and on the approved infrastructure plans, a reproducible copy of the as-built drawings are provided to the Community Development and Engineering Departments, and the warranty required in the previous section is completed. As-built drawings to meet requirements outlined the City of Starkville Standards of Design and Specifications for subdivisions and shall be signed and certified by a licensed Professional Engineer indicating that all work is in accordance with the approved plans and the City of Starkville codes, standards and requirements.
- D. The developer shall maintain the roadways in a safe and good condition until the streets are eligible for acceptance. If at any time, the City notifies the developer of an unsatisfactory roadway condition, the developer will have thirty (30) days to remedy or the City may utilize a portion of the surety for roadway repairs or maintenance.
- E. Final street repairs and construction must be completed prior to acceptance by the City.
- F. Proof shall be provided to the City of the transfer of ownership of all common areas to the Homeowners' Association prior to acceptance by the City.

SECTION 8: **AMENDMENT** “15.1.15 Common Areas” of the City of Starkville Unified Development Code is hereby *amended* as follows:

AMENDMENT

15.1.15 Common Areas

- A. **Ownership** - Any platted common area(s) and any facilities located within the common area(s) shall be owned by the Homeowners’ Association and/or the owner(s) of the individually platted lots. For any newly platted subdivision, ownership shall be specifically addressed in the filed covenants for the development. Proof of the establishment of the Homeowner's Association shall be required for final plat approval. Proof of complete transfer of all ownership of common areas to the Homeowner's Association shall be required prior to acceptance of streets and/or infrastructure.
- B. **Maintenance** - Any platted common area(s) and any facilities located within the common area(s) shall be maintained by the Homeowners’ Association and/or the owner(s) of the individually platted lots. For any newly platted subdivision, maintenance shall be specifically addressed in the filed covenants for the development.
- C. **Penalty for Code Violation** - If at any time a common area is cited for a code violation, it shall be the responsibility of the Homeowners’ Association to take corrective action to remedy the violation and/or pay associated fines or liens. If the Homeowners’ Association has been disbanded, dissolved, or ceases to exist for any reason, it shall be the responsibility of the owner(s) of the individually platted lots within the platted subdivision to take corrective action to remedy the violation and/or pay associated fines or liens. The amount of any issued fines or lines will be assessed based on the number of lots and not the number of owners.

SECTION 9: AMENDMENT “16.10.2 Definitions” of the City of Starkville Unified Development Code is hereby *amended* as follows:

AMENDMENT

16.10 Flood Damage Prevention Ordinance

16.10.2 Definitions

L

Letter of Map Change (LOMC) is an official FEMA determination, by letter, to amend or revise effective Flood Insurance Rate Maps, Flood Boundary and Floodway Maps, and Flood Insurance Studies. LOMC's are broken down into the following categories.

- **Letter of Map Amendment** (LOMA) An amendment based on technical data showing that a property was incorrectly included in a designated SFHA, was not elevated by fill (only by a natural grade elevation), and will not be inundated by the one percent chance flood. A LOMA amends the current effective FIRM and establishes that a specific property is not located in a SFHA.
- **Letter of Map Revision** (LOMR) A revision based on technical data that, usually due to manmade changes, shows changes to flood zones, flood elevations, floodplain and floodway delineations, and planimetric features. One common type of LOMR, a LOMR-F, is a determination concerning whether a structure or parcel has been elevated by fill above the BFE and is, therefore, excluded from the SFHA.
- **Conditional Letter of Map Revision** (CLOMR) A formal review and comment by FEMA as to whether a proposed project complies with the minimum NFIP floodplain management criteria. A CLOMR does not revise effective Flood Insurance Rate Maps, Flood Boundary and Floodway Maps, or Flood Insurance Studies.

S

Substantial Improvement means any combination of reconstruction, rehabilitation, or other improvement of a structure taking place during a 10 year period in which the cumulative percentage of improvement equals or exceeds 50 percent of the current market value of the structure before the “start of construction” of the improvement. The designated 10-year period begins at the date of the initial improvement to the structure. The costs for determining substantial improvement include the costs of additions. This term includes structures which have incurred repetitive loss or substantial damage, regardless of the actual repair work performed. The term does not apply to:

- a. Any project for improvement of a building required to correct existing violations of state or local existing health, sanitary, or safety code specifications which have been identified by the Code Enforcement Official and which are minimum necessary to assure safe living conditions, provided that said code deficiencies were not caused by neglect or lack of maintenance on the part of the current or previous owners or;
- b. Any alteration of a “historic structure” provided that the alteration will not preclude the structure’s continued designation as a “historic structure.”

SECTION 10: **AMENDMENT** “16.10.3 General Provisions” of the City of Starkville Unified Development Code is hereby *amended* as follows:

AMENDMENT

16.10 Flood Damage Prevention Ordinance

16.10.3 General Provisions

- A. **Lands to Which This Ordinance Applies.** This ordinance shall apply to all areas of special flood hazard (SFHA) areas within the corporate limits of the City of Starkville, Mississippi.
- B. **Basis for Establishing the Area of Special Flood Hazard.** The areas of special flood hazard identified by the Federal Emergency Management Agency in the current scientific and engineering report entitled “The Flood Insurance Study (FIS), Number 28105CV000A, for Oktibbeha County, Mississippi and Incorporated Areas”, dated February 17, 2010 with accompanying Flood Insurance Rate Maps (FIRM) panel numbers 0063, 0064, 0068, 0132, 0151, 0152, 0153, 0154, 0158, 0161, 0162, 0166, and the Oktibbeha County Map Index, for the City of Starkville (Community Number 280124), Oktibbeha County, Mississippi, and other supporting data are adopted by reference and declared to be part of this ordinance. The Flood Insurance Study and maps are on file at the City of Starkville's Building Department.
- C. **Establishment of Floodplain Development Permit.** A development permit shall be required in conformance with the provision of this ordinance prior to the commencement of any development activities in identified areas of special flood hazard within the community.
- D. **Compliance.** No structure or land shall hereafter be located, extended, converted or structurally altered without full compliance with the terms of this ordinance and other applicable regulations.
- E. **Abrogation and Greater Restrictions.** This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.
- F. **Interpretation.** In the interpretation and application of this ordinance all provisions shall be:
 - 1. Considered as minimum requirements;
 - 2. Liberally construed in favor of the governing body, and;
 - 3. Deemed neither to limit nor repeal any other powers granted under state statutes.
- G. **Warning and Disclaimer of Liability.** The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering consideration. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the areas of special flood hazard or uses permitted within

such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of the Mayor and Board of Aldermen for the City of Starkville, Mississippi or by any officer or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.

- H. **Enforcement, Penalties, and Violations. Civil penalties.** Violation of the provisions of this ordinance or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance or special exceptions, shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than \$1,000.00 or imprisoned for not more than 90 days, or both, and in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the Floodplain Administrator from taking such other lawful actions as are necessary to prevent or remedy any violation.

SECTION 11: AMENDMENT “16.10.4 Administration” of the City of Starkville Unified Development Code is hereby *amended* as follows:

AMENDMENT

16.10 Flood Damage Prevention Ordinance

16.10.4 Administration

- A. **Designation of Flood Damage Prevention Ordinance Administrator.** The Mayor and Board of Aldermen for the City of Starkville, Mississippi hereby appoints the City Engineer to administer and implement the provisions of this ordinance and is herein referred to as the Floodplain Administrator and/or the administrator.
- B. **Permit Procedures.** Application for a Development Permit shall be made to the Floodplain Administrator on forms furnished by him or her prior to any development activities, and may include, but not be limited to, the following plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, earthen fill, storage of materials or equipment, drainage facilities, and the location of the foregoing. Specifically, the following information is required:
1. **Application Stage.**
 - a. Elevation in relation to mean sea level of the proposed lowest floor (including basement) of all buildings, which will be submitted on a FEMA Elevation Certificate Form FF-206-FY-22-152 by a state of Mississippi registered engineer or surveyor;
 - b. Elevation in relation to mean sea level to which any non-residential building in an A Zone will be floodproofed;
 - c. Certificate from a state of Mississippi registered professional engineer or architect that the non-residential flood-proofed building will meet the floodproofing criteria in Section 16.10.4.2 (A) (2) and Section 16.10.5.2 (B);
 - d. No floodplain development permit can be issued to any mobile, modular, or

permanently constructed residence, building or facility unless the owner, lessee, or developer obtains a Notice of Intent from the Mississippi State Health Department, pursuant to the MS Individual On-Site Wastewater Disposal System Law (2009), for a recommendation of a sewage system or Proof of Compliance from the proper Sewer and Water District;

e. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

2. **Construction Stage.** Upon establishment/placement of the lowest floor, before framing continues, to include any approved floodproofing method by whatever construction means, it shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the NAVD or NGVD elevation of the lowest floor or floodproofed elevation, as built, in relation to mean sea level. Said certification shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer, who is authorized by the State of Mississippi to certify such information, and certified by same. When floodproofing is utilized for a particular building said certification shall be prepared by or under the direct supervision of a professional engineer or architect, who is authorized by the state of Mississippi to certify such information, and certified by the same. Floodproofing shall be required to be above the base flood elevation. (PARAGRAPH DOWN). Any work undertaken prior to submission of the certification shall be at the permit holder's risk. The Floodplain Administrator shall review the lowest floor & floodproofing elevation survey data submitted. The permit holder immediately and prior to further progressive work being permitted to proceed shall correct deficiencies detected by such review. Failure to submit the survey or failure to make said corrections required hereby shall be cause to issue a stop-work order for the project.
3. **Finished Construction.** Upon completion of construction, a FEMA Elevation Certificate Form FF-206-FY-22-152 which depicts all finished construction elevations is required to be submitted to the Floodplain Administrator. If the project includes a floodproofing measure, a FEMA floodproofing certificate is required to be submitted by the permit holder to the Floodplain Administrator.

C. Powers, Duties, and Responsibilities of the Floodplain Administrator. The Floodplain Administrator and his or her designated staff is hereby authorized and directed to enforce the provisions of this ordinance. The Administrator is further authorized to render interpretations of this ordinance, which are consistent with its spirit and purpose.

1. Right of Entry

- a. Whenever necessary to make an inspection to enforce any of the provisions of this ordinance, or whenever the Administrator has reasonable cause to believe that there exists in any building or upon any premises any condition or ordinance violation which makes such building, structure or premises unsafe, dangerous or hazardous, the Administrator may enter such building, structure or premises at all reasonable times to inspect the same or perform any duty imposed upon the Administrator by this ordinance.
- b. If such building or premises are occupied, the Administrator shall first present proper credentials and request entry. If such building, structure, or premises are unoccupied, he shall first make a reasonable effort to locate the owner or other persons having charge or control of such building or premises.
- c. If entry is refused, the Administrator shall have recourse to every remedy provided

- by law to secure entry.
- d. When the Administrator shall have first obtained a proper inspection warrant or other remedy provided by law to secure entry, no owner or occupant or any other persons having charge, care or control of any building, structure, or premises shall fail or neglect, after a proper request is made as herein provided, to promptly permit entry therein by the Administrator for the purpose of inspection and examination pursuant to this ordinance.
2. **Stop Work Orders.** Upon notice from the Administrator, work on any building, structure or premises that is being performed contrary to the provisions of this ordinance shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to his or her agent, or to the person doing the work, and shall state the conditions under which work may be resumed.
3. **Revocation of Permits**
- a. The Administrator may revoke a permit or approval, issued under the provisions of this ordinance, in case there has been any false statement or misrepresentation as to the material fact in the application or plans on which the permit or approval was based.
 - b. The Administrator may revoke a permit upon determination that the construction, erection, alteration, repair, moving, demolition, installation, or replacement of the structure for which the permit was issued is in violation of, or not in conformity with, the provisions of this ordinance.
4. **Duties of the Administrator.** The duties of the administrator shall include, but not be limited to:
- a. Review all development permits to assure that the permit requirements of this ordinance have been satisfied.
 - b. Review proposed development to assure that all necessary permits have been received from those governmental agencies from which approval is required by Federal or State law, including section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334. Additionally, require the permittee to obtain and submit copies of any required federal or state permits and maintain them on file with the development permit.
 - c. Perform a minimum of three inspections to ensure that all applicable ordinance and floodplain development requirements have been satisfied. The first inspection upon the establishment of the Base Flood Elevation reference mark at the development site; the second upon the establishment of the structure's footprint prior to pouring the slab or the establishment of the lowest floor in an elevated foundation system; and the final inspection upon completion and submission of the required finished construction elevation certificate.
 - d. Verify any required setback distances.
 - e. Verify that all placement of fill or grading is according to certified plans. Assure that any fill being used as part of the structure's foundation system (not allowed in a CHHA) is both clean material and properly compacted and placed. A professional certification that any structure built on fill is reasonably safe from flooding can be requested of the builder/developer.
 - f. Verify adequate placement and size of any required flood vents in regard to the

- number of openings, their location, size, and height above ground level.
- g. Ensure that a crawlspace has adequate vents or openings and that the interior grade is at or above the exterior grade.
 - h. Verify that the structure's utilities, duct work, and HVAC systems are at or above the base flood elevation.
 - i. Notify adjacent communities, the NFIP State Coordinator, and other federal and/or state agencies with statutory or regulatory authority prior to any alteration or relocation of a watercourse.
 - j. Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is maintained.
 - k. Verify and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new construction and substantially improved buildings, in accordance with Section 16.10.4.2 (B). Information must be recorded on the FEMA Elevation Certificate Form FF-206-FY-22-152 and record the actual elevation (in relation to mean sea level) to which the new construction and substantially improved buildings have been floodproofed, in accordance with Section 16.10.4.2 (B). Information must be recorded on the FEMA Elevation Certificate Form FF-206-FY-22-152.
 - l. Review certified plans and specifications for compliance.
 - m. Make the necessary interpretation where interpretation is needed as to the exact location of boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this Article.
 - n. Obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source when base flood elevation data or floodway data have not been provided in accordance with Section 16.10.3.2, in order to administer the provisions of Section 16.10.5.
 - o. Provide information, testimony, or other evidence, as needed during variance request hearings.
 - p. Conduct the following actions when damage occurs to a building or buildings:
 - a) Determine whether damaged structures are located within the Special Flood Hazard Area;
 - b) Conduct damage assessments for those damaged structures located in the SFHA, and;
 - c) Make a reasonable attempt to notify the owner(s) of damaged structure(s) of the requirement to obtain a building permit / floodplain development permit prior to repair, rehabilitation, or reconstruction.
 - q. Perform such other inspections as may be required to ensure compliance with the other provisions of this ordinance.

SECTION 12: AMENDMENT “16.10.5 Provisions For Flood Hazard Reduction” of the City of Starkville Unified Development Code is hereby *amended* as follows:

AMENDMENT

16.10 Flood Damage Prevention Ordinance

16.10.5 Provisions For Flood Hazard Reduction

A. **General Standards for All Zones.** In all areas of special flood hazard the following provisions are required:

1. New construction and substantial improvements shall be anchored to prevent flotation, collapse and lateral movement of the structure.
2. Manufactured homes shall be anchored to prevent flotation, collapse, and lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. Dry stacked blocks (stacked without the use of mortar or cement to bond them together) are not to be used as an anchor/elevation method. This standard shall be in addition to and consistent with applicable state requirements for resisting wind forces.
3. New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
4. New construction or substantial improvements shall be constructed by methods and practices that minimize flood damage.
5. Electrical, heating, ventilation, plumbing, air conditioning equipment and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding, such facilities shall be located a minimum of two feet above the Base Flood Elevation.
6. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.
7. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters.
8. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.
9. Any alteration, repair, reconstruction or improvements to a building that is in compliance with the provisions of this ordinance shall meet the requirements of “new construction” as contained in this ordinance.
10. Any alteration, repair, reconstruction or improvements to a building that is not in compliance with the provisions of this ordinance, shall be undertaken only if said non-conformity shall meet the requirements of “new construction” as contained in this ordinance.
11. All gas and liquid storage tanks (both above and below ground) shall be adequately anchored to prevent floatation, lateral movement resulting from hydrodynamic forces, and the effects of buoyancy.
12. When new construction and substantial improvements are located in multiple flood zones or in a flood zone with multiple base flood elevations, they shall meet the

requirement for the more stringent flood zone and the highest base flood elevation.

B. Specific Standards for Riverine Zones. In all areas of special flood hazard designated on the community's FIRM, where base flood elevation data have been provided (excluding CHHA and Coastal AE Zone), as set forth in Section 16.10.3.2, the following provisions, in addition to the standards of Section 16.10.5.1, are required:

1. **Residential Construction.** New construction and substantial improvement of any residential building (including manufactured home) shall have the lowest floor, including basement, elevated to no lower than two feet above the base flood elevation. Should solid foundation perimeter walls be used to elevate a structure, flood openings sufficient to automatically equalize hydrostatic flood forces on exterior walls of enclosures that are subject to flooding, shall be provided in accordance with standards of Section 16.10.5.2 (D). New development proposals will be designed, to the maximum extent practicable, so residential building sites, walkways, driveways, and roadways are located at natural grade with elevation not less than the base flood elevation and with evacuation routes leading directly out of the special flood hazard area.
2. **Non-Residential Construction.** New construction and substantial improvement of any commercial, industrial, or non-residential building (including manufactured building) shall have the lowest floor, including basement, elevated to no lower than two feet above the base flood elevation. Buildings located in all A Zones may, together with attendant utility and sanitary facilities, be floodproofed in lieu of being elevated provided that all areas of the building below the base flood elevation plus two feet plus a minimum of one (1) foot of freeboard are water tight with walls substantially impermeable to the passage of water, and use structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. Dry floodproofing is allowed only where flood velocities are less than or equal to five feet per second. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. A Flood Emergency Operation Plan and an Inspection and Maintenance Plan must be provided by the design professional for the building. Such certification shall be provided to the Floodplain Administrator. New development proposals will be designed, to the maximum extent practicable, so non-residential building sites, walkways, driveways, and roadways are located at natural grade with elevation not less than the base flood elevation and with evacuation routes leading directly out of the special flood hazard area.
3. In special flood hazard areas with base flood elevations (AE Zones) but without floodways, no encroachments, including fill material or structures, shall be permitted unless certification by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community. The engineering certification must be supported by technical data that conforms to standard hydraulic engineering principles.
4. **Enclosures.** New construction and substantial improvements that include fully enclosed areas formed by foundation and other exterior walls below the lowest floor shall be designed to preclude finished living space and designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on

exterior walls. Enclosed areas, including crawl spaces, shall be used solely for parking of vehicles, building access, and storage.

- a. Designs for complying with this requirement must either be certified by a professional engineer or architect or meet or exceed the following criteria:
 - (1) Provide a minimum of two openings, on different sides of each enclosed area; if a structure has more than one enclosed area below the base flood elevation, each shall have openings on exterior walls;
 - (2) The total net area of all openings shall be at least one square inch for each square foot of enclosed area, or the openings shall be designed and the construction documents shall include a statement that the design and installation will provide for equalization of hydrostatic flood forces on exterior walls by allowing for the automatic entry and exit of floodwaters;
 - (3) The bottom of all openings shall be no higher than one foot above interior grade (which must be equal to in elevation or higher than the exterior grade);
 - (4) Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions and automatically equalize hydrostatic flood loads on exterior walls, and;
 - b. Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the living area (stairway or elevator); and,
 - c. The interior portion of such enclosed area shall not be finished or partitioned into separate rooms.
 - d. Property owners shall be required to execute a flood openings/venting affidavit acknowledging that all openings will be maintained as flood vents, and that the elimination or alteration of the openings in any way will violate the requirements of Article 5, Section B. Periodic inspections will be conducted by the Floodplain Administrator to ensure compliance.
5. Detached storage buildings, sheds, or other like accessory improvements, including detached garages, carports, and boat houses, shall solely be used for parking of vehicles and storage. Such storage space shall not be used for human habitation and shall be limited to storage of items that can withstand exposure to the elements and have low flood damage potential. The storage space shall be constructed of flood resistant or breakaway materials, and equipment and service utilities, such as electrical outlets, shall be limited to essential lighting and other incidental uses, and must be elevated or floodproofed. Flood openings in accordance with the standards of Section 16.10.5.2 (D) shall also be required. These accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters. Accessory improvements and other appurtenant structures shall be firmly anchored to prevent flotation that may result in damage to other structures.
6. Property owners shall be required to execute and record with the structure's deed a non-conversion agreement declaring that the area below the lowest floor of the structure or the detached accessory building shall not be improved, finished or otherwise converted; the community will have the right to inspect the enclosed area.

7. Standards for Manufactured Homes and Recreational Vehicles.

- a. All manufactured homes placed, or substantially improved, on individual lots or parcels, in existing manufactured home parks or subdivisions, in expansions to existing manufactured home parks or subdivisions, in new manufactured home parks or subdivisions or in substantially improved manufactured home parks or subdivisions, must meet all the requirements for new construction, including elevation and anchoring and the flood openings requirements of Section 16.10.5.2 (D). Manufactured homes must be:
 - (1) Elevated on a permanent foundation to have its lowest floor elevated no lower than two feet above the base flood elevation, and;
 - (2) Securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.
- b. All manufactured homes placed or substantially improved, except manufactured homes that have incurred substantial damage as a result of a flood, in an existing manufactured home park or subdivision must be elevated so that:
 - (1) The lowest floor of the manufactured home is elevated to no lower than 2 feet above the base flood elevation and be securely anchored to an adequately anchored foundation support system to resist flotation, collapse, and lateral movement.
- c. All recreational vehicles placed on sites must either:
 - (1) Be on site for fewer than 180 consecutive days and shall leave the site and obtain a new permit before returning to the same site, and;
 - (2) Be fully licensed and ready for highway use, or
 - (3) Must meet all the requirements for new construction, including anchoring and elevation requirements of this Section 16.10.5.2 (F) (1) or Section 16.10.5.2 (F) (2) (i) above.

A recreational vehicle is ready for highway use if it is licensed and insured in accordance with the state of Mississippi motor vehicle regulations, is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached additions.
- d. **Floodways.** Located within areas of special flood hazard adopted by reference in Section 16.10.3.2, are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles and has erosion potential, the following provisions shall apply:
 - (1) Encroachments, including fill, new construction, substantial improvements, and other development, are prohibited.
 - (2) The placement of manufactured homes (mobile homes) is prohibited.
 - (3) Permissible uses within the floodway may include: general farming, pasture, outdoor plant nurseries, horticulture, forestry, wildlife sanctuary, game farm, and other similar agricultural, wildlife, and related uses. Also lawns, gardens, athletic fields, play areas, picnic grounds, and hiking and horseback riding trails are acceptable uses, provided that they do not employ structures or fill. These permissible uses may require certification (with supporting technical data) by a registered professional engineer demonstrating that encroachments shall not result in any increase in flood levels during occurrence of the base flood

discharge. The uses in this subsection are permissible only if and to the extent that they do not cause any increase in flood levels during the base flood discharge.

- (4) On a case-by-case basis existing structures located in floodway or that become incorporated into a floodway may be allowed to provide routine maintenance and remodeling of the structure. Those maintenance and remodeling measures shall not include any enlargement of the building, additional impervious areas, or any other modifications that would have any impact of any kind on the existing floodway. Regardless, no property in the floodway shall be substantially improved.

C. Standards for Streams Without Base Flood Elevations and Floodways. When base flood elevation data and floodway data are not available in accordance with Section 16.10.3.1, in Special Flood Hazard Areas and Community Flood Hazard Areas without base flood elevation data, new construction and substantial improvements shall be elevated or floodproofed to elevations established by the community. The following provisions in addition to the standards of Section 16.10.5.1 and the enclosure standards of Section 16.10.5.2 (D) shall apply:

1. Require that all new subdivision proposals and other proposed developments (including proposals for manufactured home parks and subdivisions) greater than five lots or five acres, whichever is lesser, include within such proposals base flood elevation data;
2. The Floodplain Administrator shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, state, or other source, in order to administer the provisions of Section 16.10.5. When such data are available, standards of Section 16.10.5.2, shall apply. If data is not available from Section 16.10.5.3 (A) or outside sources, then the following provisions shall apply.
3. No encroachments, including fill material or other development, shall be located within a distance of the stream bank equal to five times the width of the stream at the top of the bank or twenty feet each side from the top of the bank, whichever is greater, unless certification by a registered professional engineer is provided demonstrating that such encroachment shall not result in any increase in flood levels during the occurrence of the base flood discharge. The enclosure standards of Section 16.10.5.2 (D) shall apply.
4. The Floodplain Administrator shall require that a single lot applicant develop the base flood elevation for the development site, utilizing accepted engineering practices and procedures. Upon review of the submitted data, the Administrator may accept or reject the proposed base flood elevation. When such data is accepted, standards of Section 16.10.5.2, shall apply.
5. Notify, in riverine situations, adjacent communities and the State Coordinating Office prior to any alteration or relocation of a watercourse, and submit copies of such notifications to FEMA. Assure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained.
6. Require that all manufactured homes be placed or installed using methods and practices which minimize flood damage. Manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Dry stacked blocks (stacked without the use of mortar or cement to bond them together) are not allowed

within the Special Flood Hazard Area.

D. Standards for Subdivision Proposals and Other Proposed Development.

1. All subdivision proposals shall be consistent with the need to minimize flood damage;
2. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;
3. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards, and;
4. Base flood elevation data shall be provided for all new subdivision proposals and other proposed development (including manufactured home parks and subdivisions), which is greater than five lots or five acres, whichever is the lesser.
5. The subdivider/applicant shall comply with the following:
 - a. Show the floodplain boundary on the face of the subdivision plat, referencing the flood insurance rate map panel number and effective date.
 - b. Indicate the lowest finished floor elevation (FFE) and building pad elevations for each lot located within the special hazard flood area on the face of the subdivision plat. All preliminary plans for platted subdivisions shall identify the flood hazard areas and elevations of the base flood.
6. All preliminary and final subdivision plats shall provide the boundary of the special flood hazard area, the floodway boundary, and the base flood elevation.
7. Approval shall not be given for new streets which would be subject to flooding in the base flood. All street surfaces must be located at or above the base flood elevation.

E. Critical Facilities. Construction of new and substantially improved critical facilities shall be located outside the limits of the special flood hazard area (one percent chance floodplain). Construction of new critical facilities shall be permissible within the SFHA only if no feasible alternative site is available and access to the facilities remains available during a 0.2 percent chance flood. Critical facilities constructed within the SFHA shall have the lowest floor elevated three feet six inches (3'6") above the base flood elevation at the site (or to the 0.2 percent chance flood elevation whichever is greater). Floodproofing and sealing measures must be implemented to ensure that toxic substances will not be displaced by or released into floodwaters. Multiple access routes, elevated to or above the 0.2 percent flood elevation, shall be provided to all critical facilities to the maximum extent possible. Critical facilities must not only be protected to or above the 0.2 percent chance flood, but must remain operable during such an event. The community's flood response plan must list facilities considered critical in a flood, since loss of access can cause a critical situation. Other facilities in low risk flood zones that may also be needed to support flood response efforts must be included on the critical facility list. The use of any structure shall not be changed to a critical facility, where such a change in use will render the new critical facility out of conformance with this section. The list of the operators of the critical facilities affected by flooding must be updated at least annually, as part of the community critical facility planning procedures.

SECTION 13: AMENDMENT “16.10.6 Variance Procedures” of the City of Starkville Unified Development Code is hereby *amended* as follows:

AMENDMENT

16.10 Flood Damage Prevention Ordinance

16.10.6 Variance Procedures

- A. **Designation of Variance and Appeals Board.** The Board of Aldermen for the City of Starkville, Mississippi shall hear and decide appeals and requests for variances from the requirements of this ordinance and is herein referred to as the board.
- B. **Duties of Variance and Appeals Board.** The board shall hear and decide appeals when it is alleged an error in any requirement, decision, or determination is made by the Floodplain Administrator in the enforcement or administration of this ordinance. Any person aggrieved by the decision of the board may appeal such decision to the Oktibbeha County Circuit Court as provided in Mississippi Code Annotated, § 11-51- 75 (1972).
- C. **Variance Procedures.** In passing upon such applications, the board shall consider all technical evaluations, relevant factors, and standards specified in other sections of this ordinance, and:
 - 1. The evaluation must be based on the characteristics unique to that property and not be shared by adjacent parcels. The characteristics must pertain to the land itself, not to the structure, its inhabitants, or its owners;
 - 2. Variances shall not be granted for multiple lots, phases of subdivisions, or entire subdivisions;
 - 3. The danger that materials may be swept onto other lands to the injury of others;
 - 4. The danger of life and property due to flooding or erosion damage;
 - 5. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner and the community;
 - 6. The importance of the services provided by the proposed facility to the community;
 - 7. The necessity of the facility to be at a waterfront location, where applicable;
 - 8. The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
 - 9. The compatibility of the proposed use with existing and anticipated development;
 - 10. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
 - 11. The safety of access to the property in times of flood for ordinary and emergency vehicles;
 - 12. The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site, and;
 - 13. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges and culverts.
 - 14. Upon consideration of factors listed above, and the purpose of this ordinance, the board may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance.
 - 15. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

D. Conditions for Variance.

1. Variances shall only be issued when there is:
 - a. A showing of good and sufficient cause;
 - b. A determination that failure to grant the variance would result in exceptional hardship, and;
 - c. A determination that the granting of a variance will not result in increased flood heights, additional threats to public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
2. The provisions of this ordinance are minimum standards for flood loss reduction; therefore, any deviation from the standards must be weighed carefully. Variances shall only be issued upon a determination that the variance is the minimum necessary deviation from the requirements of this ordinance, considering the flood hazard, to afford relief.
3. Any applicant to whom a variance is granted shall be given written notice specifying the difference between the base flood elevation and the elevation to which the lowest floor is to be built and stating that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.
4. The Floodplain Administrator shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency and Mississippi Emergency Management Agency upon request (Section 16.10.6.E).
5. Upon consideration of the factors listed above and the purposes of this ordinance, the board may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance.
6. Variances shall not be issued “after the fact.”

E. Variance Notification. Any applicant to whom a variance is granted shall be given written notice over the signature of a community official that:

1. The issuance of a variance to construct a structure below the base flood elevation will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage, and;
2. Such construction below the base flood level increases risks to life and property. A copy of the notice shall be recorded by the Floodplain Administrator in the Office of the Chancery Clerk and shall be recorded in a manner so that it appears in the chain of title of the affected parcel of land.

The Floodplain Administrator will maintain a record of all variance actions, including justification for their issuance, and report such variances to the Federal Emergency Management Agency and the Mississippi Emergency Management Agency upon request.

F. Special Conditions. Upon consideration of the factors listed in Section 16.10.6, and the purposes of this ordinance, the City of Starkville may attach such conditions to the granting of variances, as it deems necessary to further the purposes of this ordinance.

G. Floodway. Variances shall not be issued within any designated regulatory floodway if any increase in flood levels during the base flood discharge would result.

SECTION 14: **AMENDMENT** “17.3.1 Permits Required” of the City of Starkville Unified Development Code is hereby *amended* as follows:

AMENDMENT

17.3 Building Permits

17.3.1 Permits Required

Any construction or alterations that are not exempt under the adopted Technical Codes of Section 17.2 or the State of Mississippi are required to have a permit unless listed as exempt below.

A. Residential Building Permits. Only includes One-Family Dwellings (Detached Dwelling) and Two-Family Dwellings (Attached Duplex Dwelling)

1. Permitting required:

- a. Any new development or new construction
- b. Any addition or alteration in excess of two thousand and five hundred dollars (\$2,500).
- c. Any dwelling units, including accessory dwellings, regardless of square footage.
- d. Any addition, alteration, modification, or improvement that includes electrical, plumbing, mechanical/HVAC, structural work, and/or fire sprinklers or suppression systems.
- e. Any roofing work equal to or greater than ten thousand dollars (\$10,000) and/or with structural changes.
- f. Accessory use or structure for residential uses. See Section 13.9.1.B. Accessory structures include but are not limited to garages, carports, workshops, pool houses, sheds, storage buildings, swimming pools, covered open-air structures, outdoor living and recreation areas, and fences seven feet (7') or taller that are incidental and subordinate to the principal use of the primary building.
- g. Any work involving clearing, clear-cutting, grading, leveling, excavating, or filing a site. See Section 16.8.2 for Land Disturbance Permit requirements and exemptions.
- h. Within any locally designated historic district, a Certificate of Appropriateness, as required by Section 3.16, may be required in addition to a permit for all construction, alteration, and/or demolition.
- i. Any allowed residential signage that requires a permit per Section 14.7.
- j. Any work performed within the Right-of-Way.

2. Exempt from permitting:

- a. If the work only consists of painting, cabinetry, tiling, carpeting, and similar finish work. However, the cost of these items shall be included in any required permit.
- b. Any roofing work less than ten thousand dollars (\$10,000) in value with no structural changes.
- c. Fences under seven feet (7') tall.

- d. Interior demolition where no structural elements are being removed or changed.
- e. Shed or storage building less than one hundred (100) square feet unless located within a flood zone. See Section 13.9.1.B.2
- f. Low voltage work related to networking, security cameras, private alarm systems, and controlled access.
- g. Repair and replacement of existing outlets, lighting fixtures, toilets, and/or faucets.
- h. Repair and replacement of any existing window with no structural changes.

B. Commercial Building Permits.

1. Permitting required:

- a. Any new development or new construction. Site plan approval may be required in accordance with Section 3.9
- b. Any addition or alteration in excess of two thousand and five hundred dollars (\$2,500).
- c. Any addition, alteration, modification, or improvement that includes electrical, plumbing, mechanical/HVAC, structural work, and/or fire sprinklers or suppression systems.
- d. Any roofing work equal to or greater than ten thousand dollars (\$10,000) and/or with structural changes.
- e. Accessory use or structure for commercial uses. See Section 13.9.1.C. Accessory structures include but are not limited to sheds, storage buildings, swimming pools, freestanding self-serve structures, covered open-air structures, outdoor cooking areas, and fences seven feet (7') or taller that are incidental and subordinate to the principal use of the primary building.
- f. To perform work involving tree cutting, clearing, clear-cutting, grading, leveling, excavating, or filing a site. See Section 16.8.2 for Land Disturbance Permit requirements and exemptions. No structure or site requiring approval from the Development Review Committee shall be modified, erected, or used prior to receiving site plan and/or infrastructure plan approval. See Section 3.9.2 for applicability and filing procedure for site and infrastructure plans.
- g. Within any locally designated historic district, a Certificate of Appropriateness, as required by Section 3.16, may be required in addition to a permit for all construction, alteration, and/or demolition.
- h. Any allowed signage that requires a permit per Section 14.7.
- i. Any work performed within the Right-of-Way.

2. Exempt from permitting:

- a. If the work only consists of painting, cabinetry, tiling, carpeting, and similar finish work. However, the cost of these items shall be included in any required permit.
- b. Any roofing work less than ten thousand dollars (\$10,000) in value with no structural changes.
- c. Interior demolition where no structural elements are being removed or

changed.

- d. Repair and replacement of any existing window with no structural changes.
- e. Low voltage work related to networking, security cameras, private alarm systems, and controlled access.
- f. Repair and replacement of existing outlets, lighting fixtures, toilets, and/or faucets.